



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2751

by Rep. David Reis

SYNOPSIS AS INTRODUCED:

305 ILCS 5/4-1.13 new

Amends the Temporary Assistance for Needy Families Article of the Illinois Public Aid Code. Requires the Department of Human Services to develop and establish a program to test for the illegal use of a controlled substance, cannabis, or methamphetamine by an individual who (i) is eligible to receive TANF assistance or who receives TANF assistance on behalf of a child and (ii) is at least 18 years of age. Requires such individuals to take a substance abuse subtle screening inventory test administered in written or electronic form by a local office of the Department. Requires the local office of the Department to provide at the time an individual applies for TANF assistance certain information in writing including: (a) that the individual is required to take a written or electronic substance abuse subtle screening inventory test; (b) that the individual may be subject to random drug testing based on the results of the written or electronic substance abuse subtle screening inventory test; and (c) that the individual may be subject to drug testing if the local office of the Department believes, based on reasonable suspicion, that the individual is engaged in the illegal use of a controlled substance, cannabis, or methamphetamine. Establishes when a local office of the Department is considered to have reasonable suspicion to believe that an individual is engaged in the illegal use of a controlled substance, cannabis, or methamphetamine. Requires local offices of the Department to provide a list of drug abuse treatment programs to any individual who tests positive. Provides that an individual who tests positive and provides evidence that he or she is participating in a drug abuse treatment program shall continue to receive TANF assistance.

LRB099 07808 KTG 27943 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 adding Section 4-1.13 as follows:

6 (305 ILCS 5/4-1.13 new)

7 Sec. 4-1.13. Drug testing program.

8 (a) As used in this Section:

9 "Cannabis" has the same meaning ascribed to it in the
10 Cannabis Control Act.

11 "Controlled substance" means a controlled substance as
12 defined in the Illinois Controlled Substances Act.

13 "Methamphetamine" has the same meaning ascribed to it
14 in the Methamphetamine Control and Community Protection
15 Act.

16 (b) The Department shall develop and establish a program to
17 test for the illegal use of a controlled substance, cannabis,
18 or methamphetamine by an individual who:

19 (1) is eligible to receive TANF assistance under this
20 Article or who receives TANF assistance under this Article
21 on behalf of a child; and

22 (2) is at least 18 years of age.

23 The Department shall implement this program no later than July

1 1, 2016.

2 (c) An individual described in subsection (b) shall take a
3 substance abuse subtle screening inventory test administered
4 in written or electronic form by a local office of the
5 Department.

6 (d) A local office of the Department shall provide the
7 following information in writing to an individual described in
8 subsection (b) at the time the individual applies for TANF
9 assistance:

10 (1) The individual is required to take a written or
11 electronic substance abuse subtle screening inventory
12 test.

13 (2) The individual may be subject to random drug
14 testing based on the results of the test described in
15 paragraph (1) of this subsection.

16 (3) The individual may be subject to drug testing if
17 the local office of the Department believes, based on
18 reasonable suspicion as set forth in subsection (e), that
19 the individual is engaged in the illegal use of a
20 controlled substance, cannabis, or methamphetamine.

21 (4) If the individual tests positive on a drug test
22 administered under this Section, the individual may be
23 ineligible:

24 (A) for TANF assistance; and

25 (B) to receive TANF assistance on behalf of a
26 child.

1 (5) If the individual tests positive on a drug test
2 administered under this Section, the amount of the cost of
3 the drug test shall be withheld from any future TANF
4 assistance the individual receives if the individual
5 continues to receive TANF assistance.

6 (6) If the individual tests positive on a drug test
7 administered under this Section, the amount of the cost of
8 any subsequent drug test the individual is required to
9 undergo shall be withheld from the TANF assistance the
10 individual receives, if the individual continues to
11 receive TANF assistance, regardless of whether the
12 individual tests positive or tests negative on the
13 subsequent drug test.

14 (e) A local office of the Department is considered to have
15 reasonable suspicion to believe that an individual is engaged
16 in the illegal use of a controlled substance, cannabis, or
17 methamphetamine if one or more of the following apply:

18 (1) The individual has been charged with an offense
19 under the Illinois Controlled Substances Act, the
20 Cannabis Control Act, or the Methamphetamine Control
21 and Community Protection Act.

22 (2) The results of the substance abuse subtle
23 screening inventory test indicate that the individual
24 is at risk for the illegal use of a controlled
25 substance, cannabis, or methamphetamine.

26 (3) The individual has previously failed a drug

1 test administered under this Section.

2 (f) If a local office of the Department has knowledge that
3 an individual has been formally charged with an offense
4 described in paragraph (1) of subsection (e), the local office
5 shall administer a drug test to the individual.

6 (g) If a local office of the Department has reasonable
7 suspicion to believe from the results of a substance abuse
8 subtle screening inventory test that an individual is engaged
9 in the illegal use of a controlled substance, cannabis, or
10 methamphetamine, the individual shall be placed in the pool of
11 individuals who are subject to drug testing as described in
12 subsection (i).

13 (h) If a local office of the Department has reasonable
14 suspicion to believe that an individual is engaged in the
15 illegal use of a controlled substance, cannabis, or
16 methamphetamine as the result of failing a drug test
17 administered under this Section, the individual shall be placed
18 in the pool of individuals who are subject to random drug
19 testing as described in subsection (j).

20 (i) The Department shall administer a drug test to at least
21 50% of the pool of individuals described in subsection (g). An
22 individual may not be tested more than once under this
23 subsection.

24 (j) The Department shall administer random drug tests to
25 50% of the pool of individuals described in subsection (h) each
26 month.

1 (k) A local office of the Department shall provide a list
2 of drug abuse treatment programs to any individual who tests
3 positive under this Section.

4 (l) An individual who tests positive under this Section and
5 provides evidence that he or she is participating in a drug
6 abuse treatment program shall continue to receive TANF
7 assistance.